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BILL NO. Z-94-03-09

ZONING MAP ORDINANCE NO. Z- 03-94

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. U-30.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

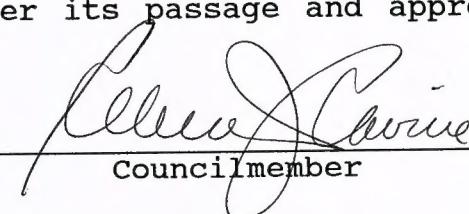
SECTION 1. That the area described as follows is hereby
designated a B-1-B (Limited Business) District under the
terms of Chapter 33 of the Code of the City of Fort Wayne,
Indiana of 1974:

The South 200 feet of the West 180 feet of the East Half
of the Southeast Quarter of Section 21, Township 31
North, Range 13 East, in Allen County, Indiana, by metes
and bounds described as follows, to-wit:

Beginning at the Southwest corner of the East Half of the
Southeast Quarter of said section; thence running North
on the West line of said East Half, a distance of 200
feet; thence North 89 degrees 35 minutes East and
parallel to the South line of said Southeast Quarter, a
distance of 180 feet; thence South and parallel to said
West line, a distance of 200 feet to a point on said
South line; thence South 89 degrees 35 minutes West, on
and along said South line, also being the centerline of
Stellhorn Road (State Road #37), a distance of 180 feet
to the place of beginning, containing 0.826 acres of
land, subject to the public road upon and over the South
40 feet thereof, occupied by Indiana State Route #37, and
subject to all easements of record.

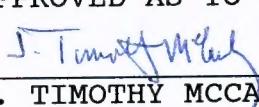
and the symbols of the City of Fort Wayne Zoning Map No. U-30,
as established by Section 11 of Chapter 33 of the Code of the
City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.



Allen L. Covine
Councilmember

APPROVED AS TO FORM AND LEGALITY:



J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Ronnie,
and duly adopted, read the second time by title and referred to the
Committee on Regulations (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Council Conference Room 128, City-County Building, Fort
Wayne, Indiana, on 19, the 19 day of
o'clock

M., E.S.T.

DATED: 3-8-94

Sandra E. Kennedy

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Ronnie,
and duly adopted, placed on its passage. PASSED ~~POST~~

by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>6</u>			<u>3</u>
BRADBURY	<u>✓</u>			
EDMONDS	<u>✓</u>			
GiaQUINTA				<u>✓</u>
HENRY				<u>✓</u>
LONG				
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 4-26-94

Sandra E. Kennedy

SANDRA E. KENNEDY, CITY CLERK

Wade E. Schmid, Deputy Clerk

Passed and adopted by the Common Council of the City of Fort Wayne,

Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 2-03-94
on the 26th day of April, 19 94

ATTEST:

(SEAL)

Don J. Schmidt

PRESIDING OFFICER

Sandra E. Kennedy
Wade E. Schmid, Deputy Clerk

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on

the 27th day of April, 19 94,
at the hour of 3:00 o'clock P., M., E.S.T.

Sandra E. Kennedy

Wade E. Schmid, Deputy Clerk

Approved and signed by me this 2nd day of May,
19 94, at the hour of 9:45 o'clock A M., E.S.T.

PAUL HELMKE, MAYOR

RECEIPT

No 14916

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IN.

2/10/34

RECEIVED FROM

THE SUM OF

ON ACCOUNT OF

#2478

Gary K. Munay \$ 200.00
Two hundred and 00/100 DOLLARS
6025 Tellhorn Rd
Receiving RT B2
Kates Evans

PAID BY: CASH CHECK M.O.

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO.

DATE FILED

INTENDED USE

FEB 11 1994

FORT WAYNE

CITY PLANNING COMMISSION

THIS IS TO BE FILED IN DUPLICATEI/We GARY K. MUNCY

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R1 District to a/an ~~R1~~ B1B District the property described as follows:

6025 Stellhorn Rd. - Currently operating as Stellhorn One Hour Photo. We are surrounded by the Northwood Shopping Center. To the East is the Pizza Hut Rest. To the North is Northwest Bank & the U.S. Post Office. Across Stellhorn Rd. is the Maplewood Shopping Center. In the 1950's & 60's this property was a Sunoco Filling Station & also was a Dawn Donuts.
 (Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

6025 Stellhorn Rd.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

GARY K. MUNCY3631 No. CLINTON ST.FT. WAYNE, IN. 46805

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. [REDACTED]

Name and address of the preparer, attorney or agent.

GARY K. MUNCY

(Name)

3631 No. CLINTON ST.

(Address & Zip Code)

FT. WAYNE, IN. 46805483-1825

(Telephone Number)

COMMUNITY AND ECONOMIC DEVELOPMENT / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

S. 200 of W. 180' E. $\frac{1}{2}$ Souteast $\frac{1}{4}$ except
East 14' Sec. 20

Owners of Property

GARY K. MUNCY

11106 LANTERN LN

Gary K. Muncy

(Name)

(Address)

(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.


FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING
FROM BEING HELD.

Pat Hess
428-7607

ZOHRAK K.TAZIAN,PE & LS
president
JERRY K.WALKER,PE & LS
vice-president

zktazian

ASSOCIATES INC.
710 S. BARR ST.
FT. WAYNE, IN. 46802
219-743-0003
219-422-6383

CERTIFICATE OF SURVEY

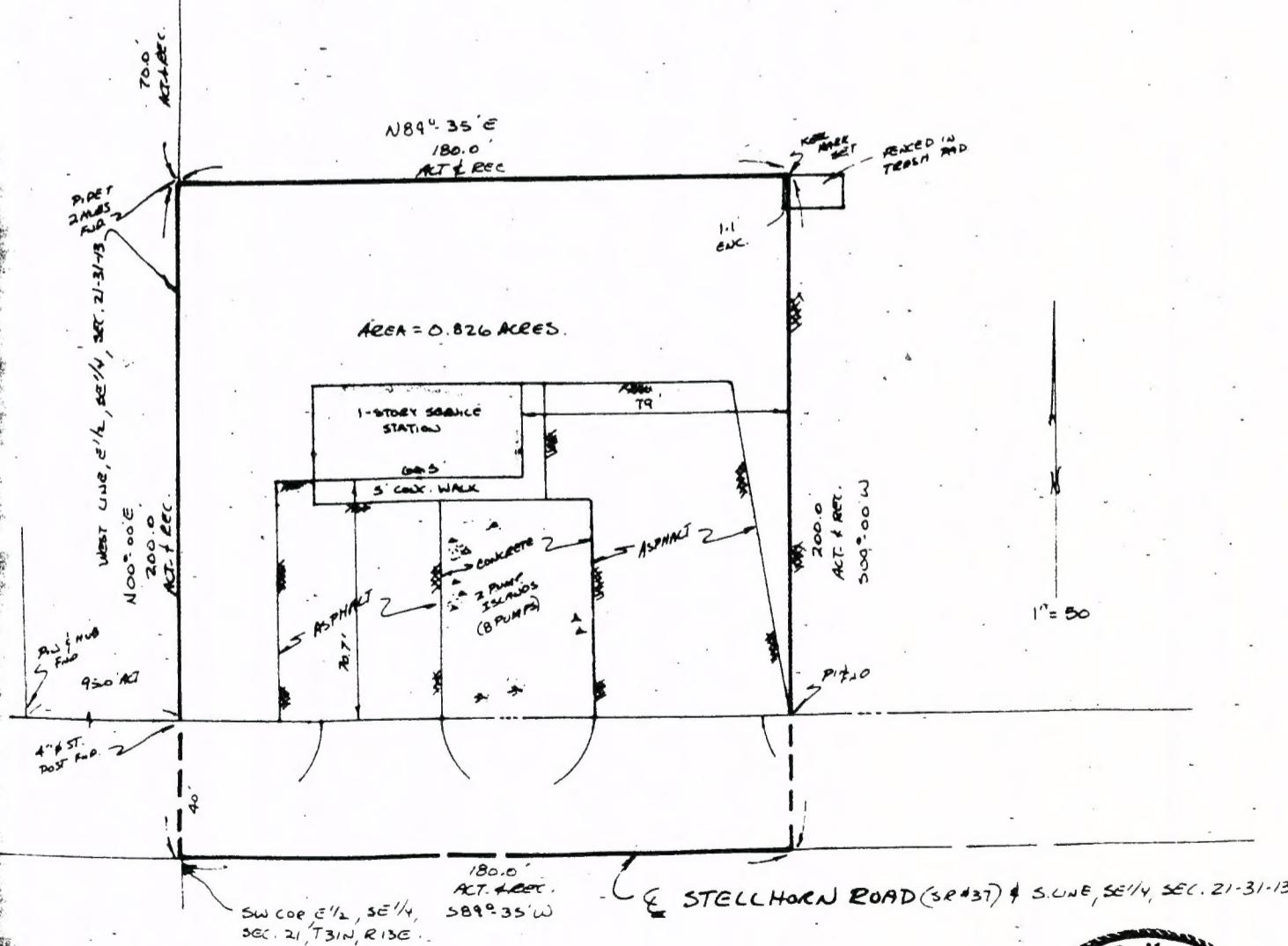
This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated.

DESCRIPTION OF REAL ESTATE

The South 200 feet of the West 180 feet of the East Half of the Southeast Quarter of Section 21, Township 31 North, Range 13 East, in Allen County, Indiana, by metes and bounds described as follows, to wit:

Beginning at the Southwest corner of the East Half of the Southeast Quarter of said section; thence running North on the West line of said East Half, a distance of 200 feet; thence North 89 degrees 35 minutes East and parallel to the South line of said Southeast Quarter, a distance of 180 feet; thence South and parallel to said West line, a distance of 200 feet to a point on said South line;; thence South 89 degrees 35 minutes West, on and along said South line, also being the centerline of Stellhorn Road (State Road #37), a distance of 180 feet to the place of beginning, containing 0.826 acres of land, subject to the public road upon and over the South 40 feet thereof, occupied by Indiana State Route #37, and subject to all easements of record.

This property is not in a special flood hazard area as defined by the FIA Flood Hazard Boundary Map No. H-01-41, effective Feb. 27, 1976.



I hereby certify on the 20th day of May, 1981 that the above survey is correct.
Surveyed for: Sun Oil Company of Pennsylvania/Muncy
Survey No.: KG-133

[Signature] *[Signature]*

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on March 8, 1994 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-94-03-09; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on March 21, 1994.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held March 28, 1994.

Certified and signed this
29th day of March 1994.



Carol Kettler Sharp
Secretary

X b69
ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 6025 Stellhorn Road

2-94-03-09

EFFECT OF PASSAGE Property is currently zoned R-1 - Single Family Residential. Property will become zoned B-1-B - Limited Business District.

EFFECT OF NON-PASSAGE Property will remain zoned R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE) _____

FACT SHEET

Z-94-03-09

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Map Amendment		
From R-1 to B-1-B		

DETAILS	POSITIONS	RECOMMENDATIONS
Specific Location and/or Address 6025 Stellhorn Road	Sponsor	City Plan Commission
Reason for Project This rezoning would be consistent with the existing uses in the area and currently on the property.	Area Affected	City Wide Other Areas
Discussion (Including relationship to other Council actions) <u>21 March 1994 - Public Hearing</u> Members Present: Ernest Evans, James Hoch, Charles Layton, Thomas Quirk, Dave Ross, Carol Kettler Sharp, Mel Smith, Vicky VerPlanck Member Absent: Mark GiaQuinta Ron Mitchell, 2722 Union Chapel Road, appeared for the petitioner, Gary Muncy. Mr. Mitchell stated that the property has been used for 30 plus years as a commercial property. He stated that he agreed with the staff's recommendation of do pass. There was no one else present who spoke in favor of or in opposition to the proposed rezoning.	Applicants/ Proponents	Applicant(s) Gary K. Muncy City Department Other
	Opponents	Groups or Individuals Basis of Opposition
	Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
	Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
	CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

28 March 1994 - Business Meeting

Members Present: Ernest Evans, Charles Layton, Thomas Quirk, Dave Ross, Carol Kettler Sharp, Mel Smith, Vicky VerPlanck

Members Absent: James Hoch, Mark GiaQuinta

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the seven (7) members present, six (6) voted in favor of the motion, one (1) did not vote. Motion carried.

POLICY/PROGRAM IMPACT

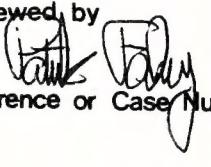
Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start **Date** 11 February 1994

Projected Completion or Occupancy **Date** 29 March 1994

Fact Sheet Prepared by
Patricia Biancaniello **Date** 29 March 1994

Reviewed by
 **Date** 29 March 1994

Reference or Case Number

BILL NO. Z-94-03-09

REPORT OF THE COMMITTEE ON
REGULATIONS
REBECCA J. RAVINE - MARK E. GIAQUINTA - CO-CHAIR
DONALD J. SCHMIDT
JANET G. BRADURY

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort
Wayne Zoning Map No. U-30

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (RESOLUTION)

DO PASS *(Signature)* DO NOT PASS ABSTAIN NO REC

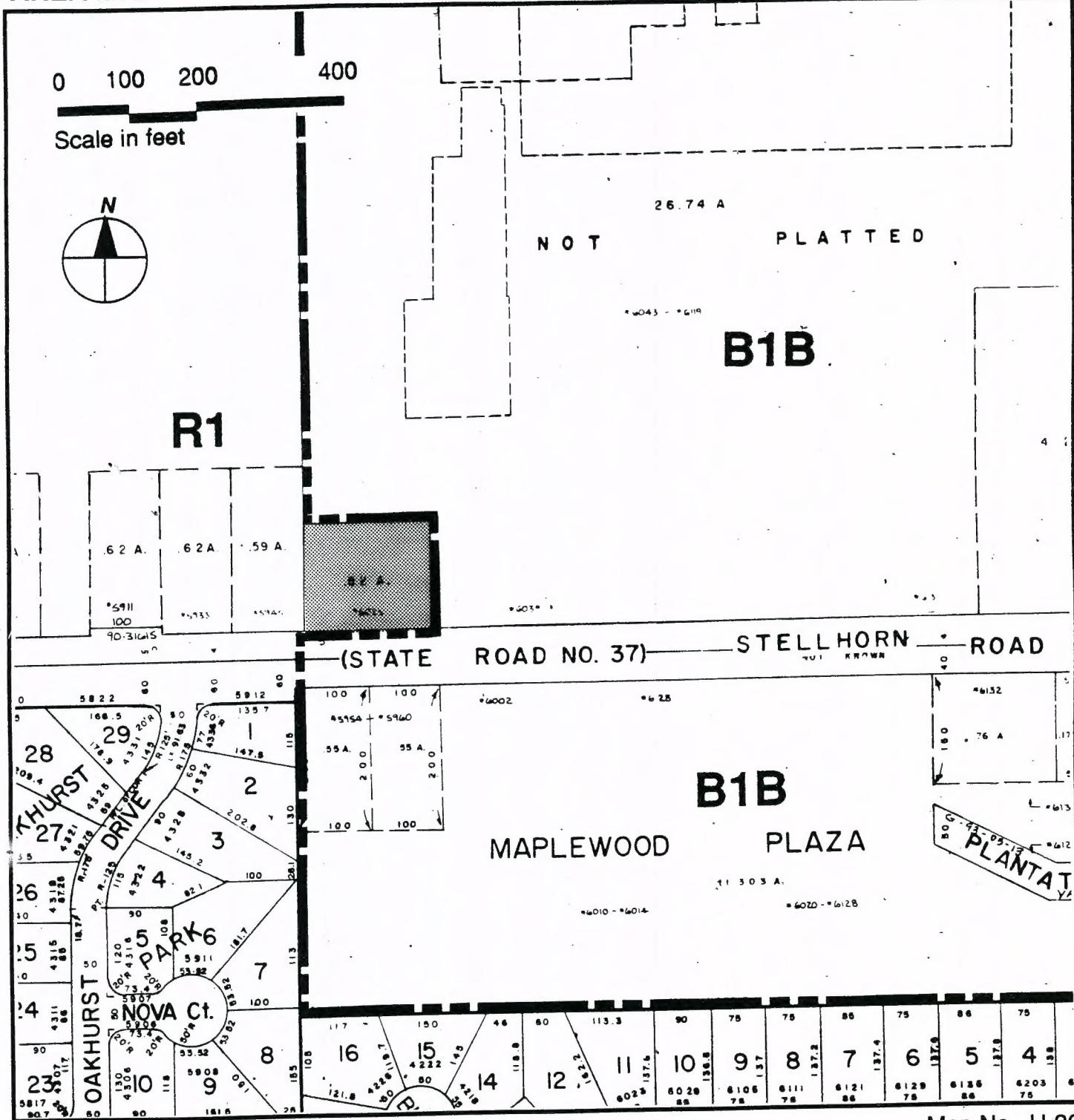
DATED: 4-26-94

Sandra E. Kennedy
City Clerk

REZONING PETITION

CASE NO. #559

AREA MAP



COUNCILMANIC DISTRICT NO. 2

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		